

Chairwoman Edith Ramirez
Federal Trade Commission
Office of the Secretary, Constitution Center
400 7th Street SW, 5th Floor, Suite 5610 (Annex C) Washington, DC 20024

Dear Chairwoman Ramirez,

I am a current graduate student working towards my doctor of optometry degree at Southern California College of Optometry at Marshall B. Ketchum University. The curriculum includes extensive coverage of contact lens prescribing including the treatment and management of adverse events. As you may be aware, contact lenses are medical devices that require appropriate care and follow up with patients to assure optimal vision and eye health.

In dedicating myself to this profession I have made a commitment to help people. The Standards of Professional Conduct from the American Optometric Association that I follow as a member of the American Optometric Student Association highlight my ethical responsibility to place my patients' interests above my own.

I was disappointed to learn that the FTC will not, under its existing authority, seek to more-fully address unscrupulous business practices of online contact lens sellers that have been putting the health and safety of patients at risk for more than a decade. I oppose the new FTC proposal to require that all contact lens wearing patients sign an acknowledgement of receipt of a contact lens prescription and the doctor having to keep this form on file for years. This requirement seems to be a heavy-handed step, which presupposes that all doctors of optometry are not complying with federal law. At school a point is made to teach us the laws and it is considered unprofessional conduct to not hold ourselves up to the highest ethical standards. The proposal also would seem to disrupt the doctor-patient relationship by communicating to patients that they should be wary of their optometrist and assume that their doctor is a violator of federal law.

Additionally, while the FTC seems to dismiss the potential burden on physicians for complying with this requirement, the proposal would undoubtedly add new costs for doctors and patients. As a student graduating soon with thousands of dollars in student loans the potential new costs only add to the stress. Mentors have shared how it would require an additional step in the patient engagement process, which would necessitate ongoing staff training to ensure that doctors are meeting this unprecedented requirement. It would also require that doctors maintain these patient-signed forms for a number of years for possible review at a later date. In the past, FTC has underestimated and subsequently corrected the estimated burden on physicians for complying with the Contact Lens Rule. I am concerned that the FTC is again underestimating the potential impact of these changes.

In closing, let me make clear that those who violate the contact lens rule should face enforcement action. As a law-abiding, ethical student doctor I fear being penalized in a severe and ongoing way for the potential actions of a very few outliers. Accordingly, I respectfully request that the Commission look again at the costly impact of this burdensome proposal and, in doing so, give new and careful consideration to how it will harm tens of thousands of small and mid-sized eye care practices in communities across our country.

Sincerely,
Kera Jones